#### DEPARTMENT OF PLANNING AND PERMITTING

#### CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
INTERNET: www.honolulu.gov • DEPT, WEB SITE: www.honoluludpp.org

MUFI HANNEMANN MAYOR



August 18, 2008

HENRY ENG, FAICP

DAVID K. TANQUE

SHOLULU, HAWAII

The Honorable Barbara Marshall, Chair and Members Honolulu City Council 530 South King Street, Room 202 Honolulu, Hawaii 96813

Dear Chair Marshall and Councilmembers:

Subject: Application for Special Management Area Use Permit No. 2008/SMA-30

Applicant: Waianae Coast Comprehensive Health Center

Agent: Kober Hanssen Mitchell Architects

Landowner: State of Hawaii

Location: 86-260 Farrington Highway - Waianae

Tax Map Kev: 8-6-1: 3

Acceptance Date: June 12, 2008

We recommend approval of this application for an SMP to modify Special Management Area Use Permit (No. 94/SMA-1), approved under Resolution No. 95-345, CD1, for master plan developments to the WCCHC, to allow (retain) a new medical services building which exceeds the maximum 40-foot zoning height limit, subject to standard conditions relating to previously unidentified archeological sites or remains, compliance with zoning and other governmental requirements, and conformity with the approved plans.

Attached for your consideration are: 1) our report and draft resolution; 2) agency comments received; and, 3) the transcript of the public hearing held on August 5, 2008. The hearing was attended only by DPP staff and the applicant's representatives. No one from the community attended.

Pursuant to Chapter 25, Revised Ordinances of Honolulu, the City Council must act within 60 calendar days after receipt of our findings and recommendation; however, the City Council may extend this period of time upon receipt of a request from the

The Honorable Barbara Marshall, Chair and Members
August 18, 2008
Page 2

applicant for an extension. The extension is not automatic and thus, if an extension of time is not requested in a timely manner, the application may be filed due to the Council's time deadline.

Very truly yours,

Henry Eng, FAICP, Director Department of Planning and Permitting

HE:cs

#### Attachments

cc: Waianae Coast Comprehensive Health Center

Kober Hanssen Mitchell Architects (Attn.: Kurt Mitchell)

Managing Director's Office

Mayor's Office

Corporation Counsel Hearings Reporter

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### DEPARTMENT OF PLANNING AND PERMITTING OF THE CITY AND COUNTY OF HONOLULU

#### STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	) FILE NO. 2008/SMA-30
BY	)
WAIANAE COAST COMPREHENSIVE HEALTH CENTER	) ) )
FOR A	)
SPECIAL MANAGEMENT AREA USE PERMIT	) ) )
	•

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

I. GENERAL INFORMATION					
A.	Basic Information				
	APPLICANT:	Waianae Coast Comprehensive Health Center			
	AGENT:	Kober Hanssen Mitchell Architects			
	LANDOWNER:	State of Hawaii			
	LOCATION:	86-260 Farrington Highway – Waianae (See Exhibit A)			
	TAX MAP KEY:	8-6-1: 3			
	LAND AREA:	14.352 Acres			
	SURROUNDING LAND USES:	Beaches, Mailiilii Channel, vacant undeveloped land, single-family dwellings, Waianae Wastewater Treatment Plant			
		· · · · · · · · · · · · · · · · · · ·			

**Urban District** 

B-2 Community Business District

STATE LAND USE DISTRICT:

EXISTING ZONING:

B. <u>Proposal</u>: The applicant operates a medical center, known as the Waianae Coast Comprehensive Health Center (WCCHC), on the site. It seeks a major modification to the original Special Management Area (SMA) use permit (No. 94/SMA-1), approved under Resolution No. 95-345, CD1, for master plan developments to the WCCHC, to allow (retain) a new medical services building which exceeds the 40-foot zoning height limit.

The new building (the "Harry & Jeanette Weinberg Family Medical Building") is currently under construction. It is behind and to the south side of the existing medical center building. See Exhibit B. The new building will provide clinical pediatrics and women's health services. The structure was originally approved under the master plan as a three (3)-story building with basement. See Exhibit C. However, the location, configuration and design of the building have been modified to address functional issues and mitigate height: Instead of being located completely behind the existing medical building, it is now located behind and to the side of that building. And, instead of three (3) stories with basement, it is now two (2) stories above grade and two (2) floors below grade (basement). See Exhibits F through I. Although a majority of the building will be contained within the regulatory height envelope, the topography of the site slopes away on one side of the building, i.e., along the access drive for the site, which results in height overages for portions of the building in the range of about 1 to 13 feet. See Exhibit D. The building's superstructure was substantially completed in mid-July of 2008. Final construction of the new family medical building will be completed once the applicant is able to obtain a building permit for the overall work. The cost of the project is estimated by the applicant to be about \$10,600,000.

NOTE: The applicant applied for a Zoning Variance (No. 2008/VAR-42), which is being processed concurrently with the SMP application. See Item II.E-3, Other Permits and Approvals.

#### II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

#### A. Location:

1. <u>Site Description</u>: The site, located mauka of the intersection of Farrington Highway and Mailiilii Road, is occupied by a major medical center. See Exhibit A. The property is owned by the State of Hawaii, under lease to the applicant. The WCCHC provides comprehensive medical and health services for residents of the Leeward Coast. The 14.352-acre site, located below (to the south of) the base of Puu Mailiilii has sloping terrain and an irregular shape. It is located on a plateau which overlooks the Waianae coastline, with site elevations ranging from about 16 feet above mean sea level (msl) along its frontage on Farrington Highway to about 130 feet msl at the rear. See Exhibits B and D.

The new building is largely on the site's upper campus, which is a relatively flat area with slopes of 2-3 percent (2-3%). However, part of the building is near the

- lot perimeter, where there are slopes of about 35 percent (35%); these occur between the upper and lower campus and along the site's access drive. See Exhibit D.
- 2. <u>Surrounding Uses</u>: To the west of the site, across Farrington Highway, are beaches and the outlet of the Mailiilii Channel. Vacant, undeveloped land in the State Land Use Conservation District, including Puu Mailiilii, is situated to the north of the site. Vacant, undeveloped land zoned P-2 General Preservation District is located to the east. Single-family dwellings on land zoned R-5 Residential District are located to the south, across from the Mailiilii Channel. The site abuts three (3) lots zoned B-2 District to the west, and lots zoned I-2 District to the west and north west which contain the Waianae Waste Water Treatment Plant.
- 3. Zoning: The site is in the B-2 Community Business District, with a 40-foot height limit.
- 4. <u>Coastal Zone Management</u>: The site is in the Special Management Area (SMA). See Exhibit A. The 1987 "Coastal View Study" identifies a "coastal road continuous coastal view" along Farrington Highway in front of the site. It also identifies Puu Mailiilii as a "primary view object" (No. WN5), which is also recognized as an important cultural site.
- 5. <u>Flood District</u>: The site is in Zone D on the current federal Flood Insurance Rate Map (FIRM), which includes areas of undetermined flooding not subject to flood hazard district regulations.
- B. <u>Environmental Compliance</u>: Since the site involves state-owned land, it is subject to the environmental disclosure requirements enumerated by Chapter 343, Hawaii Revised Statutes (HRS).
  - 1. Environmental Assessment (EA): The applicant prepared an EA for the WCCHC master plan improvements, dated October 14, 1993. Since the EA (and related SMA use permit) was based specifically on compliance with the existing 40-foot height limit, potential impacts on coastal views and Puu Mailiilii were not addressed in the EA. Therefore, the Department of Planning and Permitting (DPP) determined that the proposed height overage required a major modification of the original approval, and a Supplement EA to address the related height issues.
  - 2. <u>Supplemental EA</u>: The applicant prepared a Draft Supplemental EA to address the two (2) specific issues not addressed by the Final EA (and subsequent SMA use permit) for the original approval, i.e., visual impacts on coastal views and Puu Mailiilii. On June 23, 2008, the applicant's Draft Supplemental EA was published in "The Environmental Notice." The applicant submitted its Final Supplemental EA to the DPP on August 8, 2008. A Finding of No Significant Impact (FONSI) was issued by the DPP on August 14, 2008.

#### C. Development Plans and Land Use Regulations:

- 1. <u>General Plan</u>: The Leeward coast is designated as a Rural area in the General Plan. Specific height limits are not addressed by the General Plan. Section VII, Objective D, Policy 4, states that the communities in rural areas should generally be small in size, with very low density and low rise in character.
- 2. <u>Sustainable Community Plan</u>: The site is in the Waianae Sustainable Communities Plan area. The WCCHC facility is specifically identified in the Plan as an important medical resource for the community.
- 3. <u>Land Use Ordinance</u>: Medical clinics are permitted principal uses in B-2 District. The new building, however, exceeds the 40-foot height limit, and thus, requires a zoning (height) variance.
- D. <u>Agency Comments</u>: The DPP requested comments from various government agencies, community associations, and the Waianae Coast Neighborhood Board No. 24. Copies of the Draft Supplemental EA for the project were provided to the Waianae Satellite City Hall and Waianae Public Library for public viewing.

Written comments were submitted by the Office of Hawaiian Affairs (OHA) in support of the project. A copy of its comments is attached.

#### E. Other Permits and Approvals:

- 1. Zone Change: On July 9, 1996, the City Council established the current zoning of the site through its approval (Ordinance No. 96-46) of a zone change (No. 94/Z-5) from I-2 Intensive Industrial District to B-2 Community Business District. This zone change did not change the height limit for the site, which was also 40 feet under the preceding I-2 District zoning. The 40-foot height appears to be intended to protect and maintain views of Puu Mailiilii from Farrington Highway, and along the Leeward coastline.
- 2. <u>Special Management Area (SMA) Permits</u>: On June 26, 1995, the City Council approved (Resolution No. 95-345, CD1) an SMA use permit (No. 94/SMA-1), authorizing master plan developments related to the WCCHC. See Exhibit C. On July 23, 2003, the master plan time frame authorized by this SMA permit was extended until June 26, 2010 (DPP Reference File No. 2003/ELOG-2201).
  - Since the SMA use permit for the master plan developments, including the subject medical building, specifically authorized development which complies with the maximum 40-foot zoning height for the site, a major modification is required to authorize the proposed height overage of up to about 13 feet.
- 3. Zoning (Height) Variance: The subject building exceeds the 40-foot height limit from about 1 to 13 feet depending on the specific building side. See Exhibits F through J. Therefore, the proposal requires a variance to LUO Sections 21-3.110-1(b) [Table 21-3.4] and 21-4.60(a), relating to height regulations.

- a. On April 2, 2007, the DPP notified the applicant that its application for a height variance (No. 2007/VAR-12) was "incomplete."
- b. On August 22, 2007, the DPP accepted for processing the applicant's request for a zoning variance (No. 2007/VAR-42) to allow a building to exceed the maximum 40-foot height. The application is being processed concurrently with the subject major modification to SMA Use Permit No. 94/SMA-1 (i.e., No. 2008/SMA-30).

#### 4. Building Permits:

- a. On August 18, 2006, the applicant submitted its application
   (No. A2006-08-0882) for a building permit for the new medical building.
   The building permit cannot be issued, however, until a height variance and major modification of the SMA use permit for the building have been obtained.
- b. On August 16, 2007, a building permit (No. 616168) was issued for the foundation (only) of the new medical building.
- c. On February 1, 2008, a building permit (No. 622586) was issued for the superstructure (only) of the new medical building.
- 5. <u>Notice of Violation</u>: On May 27, 2008, a notice of violation (No. 2008/NOV-05-170) was issued to the applicant for work which exceeds the scope of the structural building permit (No. 622586) issued for the building.
- F. <u>Public Hearing and Community Comments</u>: The DPP held a public hearing on the SMP application on August 5, 2008 at the Waianae Public Library. The applicant and its agent were present. No one from the public attended and no testimony was received. A copy of the transcript of the public hearing is attached.

At its regularly scheduled meeting of February 1, 2005, the Waianae Coast Neighborhood Board No. 24 ("Board") voted to support the applicant's proposal for the new medical building. On April 4, 2006, the applicant made a presentation to the Board, to explain the need for a height variance for the new medical building. The height of the building, at that time, was said to be about 43 to 44 feet.

No comments or objections from the community were submitted.

#### III. ANALYSIS

The original SMA use permit (No. 94/SMA-1) authorized the master plan developments on the site, which included the proposed building. Thus, the new medical building was found to be consistent with the objectives, policies and guidelines established in Chapter 25, Revised Ordinances of Honolulu (ROH). The proposed modifications, including location, configuration, and height overage were not addressed.

The proposed modifications to the location and configuration of the new medical building are reasonable, essentially minor in nature, and not anticipated to have any significant effect on coastal resources. The proposed height overage of the new medical building, however, requires a major modification of SMA Use Permit No. 94/SMA-1, since the master plan was analyzed on the basis of strict compliance with the 40-foot height limit. The proposed building height does not involve any potential new issues related to coastal hazards, alteration to landforms, drainage, solid and/or liquid waste disposal, water resources, near-shore water quality, coastal ecosystems, or recreational resources and shoreline access. Therefore, only those new issues associated with the requested building height for the new medical building are addressed in this analysis.

Historic and Cultural Resources: The site is located to the south of and below Puu Α. Mailiilii, and is subject to a 40-foot height limit. One purpose of the height limit is to preserve the views of the Puu, a culturally significant landform. The applicant provided a visual analysis in its Supplemental EA to determine whether the new medical building would adversely impact views of Puu Mailiilii. The visual analysis includes photographs, photo simulations, rendering and a narrative discussion of potential visual impacts. Additionally, since the building has already been constructed to an extent where the roof is now part of the existing structure, the DPP staff has been able to observe the new building in its environment. Puu Mailiilii continues to dominate the site; the new building does not diminish its visual prominence in any significant way. The requested building height overage has not adversely impacted views of the Puu. Due to the relatively large setback of the building from Farrington Highway, the topography of the site and surrounding area, and existing natural vegetation and landscaping in the area, the visibility of the new medical building is, in fact, relatively inconspicuous. Further, the building blends well into the surrounding natural and built environment.

The applicant reports that the facility utilizes the expertise of a "Kupuna Council" of native Hawaiian elders and traditional practitioners from the surrounding community to assist it in its programs and facilities. The new building is supported by this Council. There is an existing ulu (breadfruit) tree to the rear of the existing medical building, which was planted by an important cultural figure from the area, Papa Kalahihi'ola. The tree is considered an important cultural resource, and the Kupuna Council has always maintained that it should not be threatened by the location of the new building. In order to preserve this culturally significant tree, the location and configuration of the new medical building was modified.

The applicant also states that the main floor of the new family medical building needs to be at essentially the same elevation as the existing medical clinic building(s) on the upper campus. This functional requirement of the building and its location on part of the steep cut-away slopes along the side of the site's access drive virtually dictated the height overage.

The Office of Hawaiian Affairs (OHA), in its letter of support noted that the applicant had consulted with its beneficiaries regarding the view planes and building height of the new family medical building. It is also noted that the concerns of its beneficiaries have been integrated into the design of the building and landscaping. And, OHA "applauds the incorporation of traditional Native Hawaiian knowledge" into the project.

- Scenic and Open Space Resources: There are no open space resources, such as B. beach parks, which will be impacted by the height of the new medical building. The site is within the vicinity of two (2) identified scenic resources, including continuous coastal views along Farrington Highway and views of Puu Mailiilii from the coastline. The foot of Puu Mailiilii is at an elevation of about 200 feet msl. The roof of the new building peaks about 125 feet msl. which is well below the base of the Puu. Further, the new building is located on the upper campus of the WCCHC, and is remote from Farrington Highway, so it has essentially no impact on the continuous coastal views presented along the highway. Most of the new building is within the regulatory height envelope. See Exhibit J. Only about 15 percent (15%) of the building roof will exceed the maximum height at the southeast corner and eastern side of the building, adjacent to the steep slopes which separate the building from the site's access drive. See Exhibit D. As described in Part A, above, the new building does not adversely affect mauka views of Puu Mailiilii. The applicant will plant coconut palm and ulu trees, with a height of about 15-25 feet, around the perimeter of the new building to help mitigate building mass. See Exhibit E.
- C. Consistency with Land Use Plans and Zoning: The proposed height of the new medical building does not conflict with the General Plan and/or the Waianae Sustainable Communities Plan, although it does not entirely meet the zoning requirements. This is because the height overages affect only limited portions of the building, they do not block important public views of any significant landforms, and they are not excessive. A comparison of the exterior building elevations shows that the height overages may be largely attributed to the drop in ground elevation along the south and east sides of the building. The applicant states that the floor level of the new building was set because it was necessary to keep the floor levels of both the existing and new buildings as close as possible, for practical reasons. That is, a single building floor level would be easier or more convenient for patients, care givers, or building visitors to go from one building to the next. The applicant states that need to meet building separation standards, as well as to maintain the existing number or location of off-street parking spaces also required the new building to be located on the sloping portions of the site, and that contributed to the height overage as well. Nevertheless, since the height exceeds the 40-foot limit, a height variance is necessary. The applicant's request for a variance (No. 2007/VAR-42) to exceed the height limit is being processed concurrently with its request for major modification of SMA Use Permit No. 94/SMA-1. The standard conditions of approval which require compliance with zoning and other government approvals is adequate to address this issue.

#### IV. CONCLUSIONS OF LAW

The proposed development was reviewed under the provisions of Chapter 25, ROH and found to be consistent with the objectives, policies and guidelines established in the Ordinance. Based on the analysis, the proposed development will not adversely impact SMA resources.

#### V. RECOMMENDATION

It is recommended that the application for a major modification to Special Management Area Use Permit (SMP) No. 94/SMA-1 be APPROVED to allow (retain) a new medical building, subject to the following conditions:

- A. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls) are encountered, the applicant shall stop work and contact the State Historic Preservation Division (SHPD) immediately. Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- B. Approval of this Special Management Area Use Permit (SMP) does not constitute compliance with other Land Use Ordinance (LUO) or governmental requirements, including building permit and zoning (height) variance approval. These are subject to separate review and approval. The Applicant shall be responsible for insuring that the final plans for the Project approved under this SMP comply with all applicable LUO and other governmental provisions and requirements.
- C. Construction shall be in general conformity with the approved plans and drawings, attached hereto as Exhibits A through I, and which are on file with the Department of Planning and Permitting, and in accordance with the LUO. Any changes in the size or nature of the project which may have a significant effect on coastal resources addressed in Chapter 25, ROH, and Chapter 205-A, Hawaii Revised Statutes, shall require a new application. Any changes which do not have a significant effect on coastal resources shall be considered a minor modification and therefore permitted under this Resolution, upon review and approval of the Director of Planning and Permitting.

Dated at Honolulu, Hawaii, this 14th day of August, 2008.

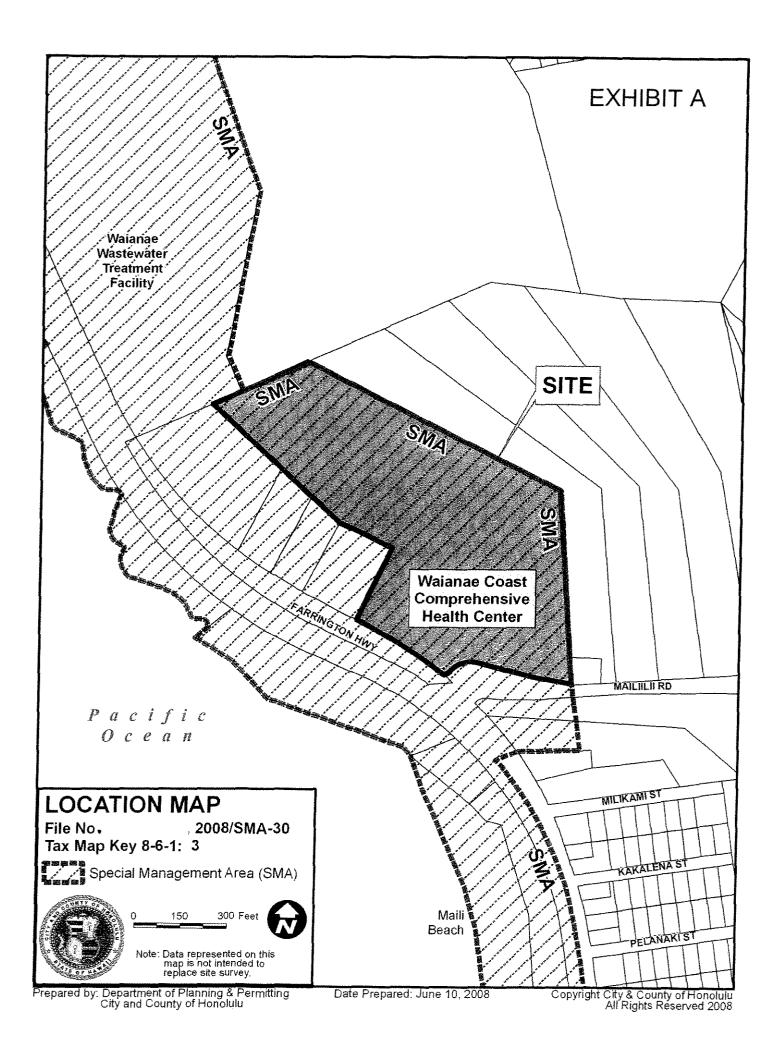
DEPARTMENT OF PLANNING AND PERMITTING CITY AND COUNTY OF HONOLULU STATE OF HAWAII

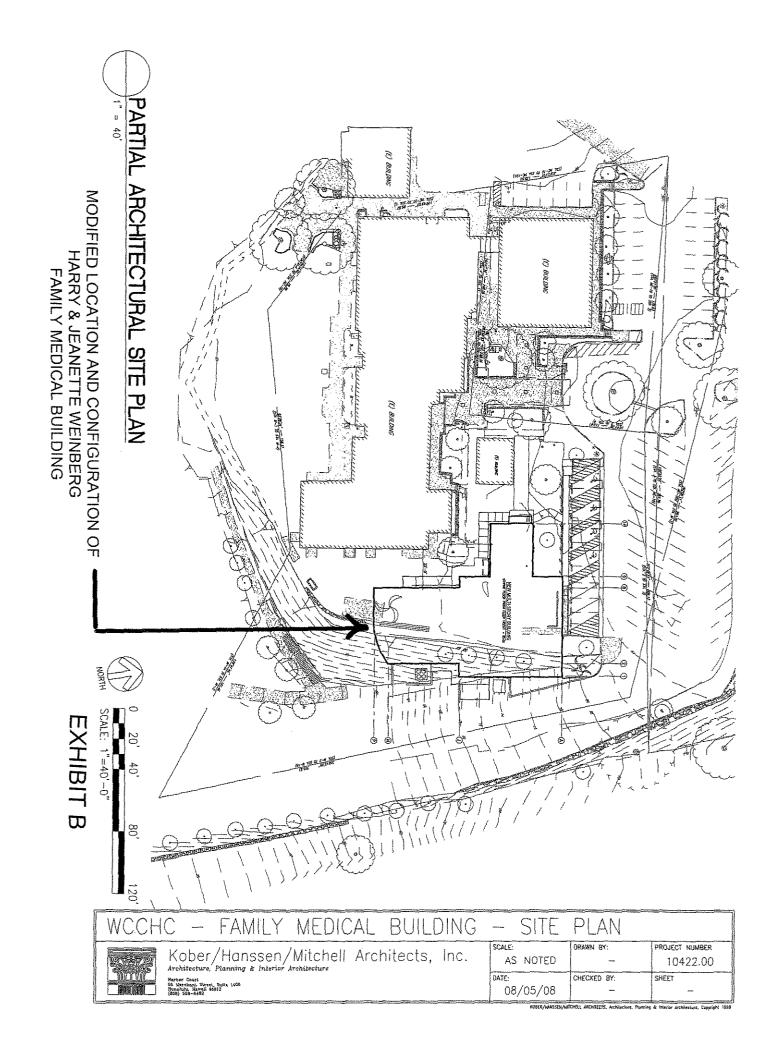
Henry Eng, FAICP, Director

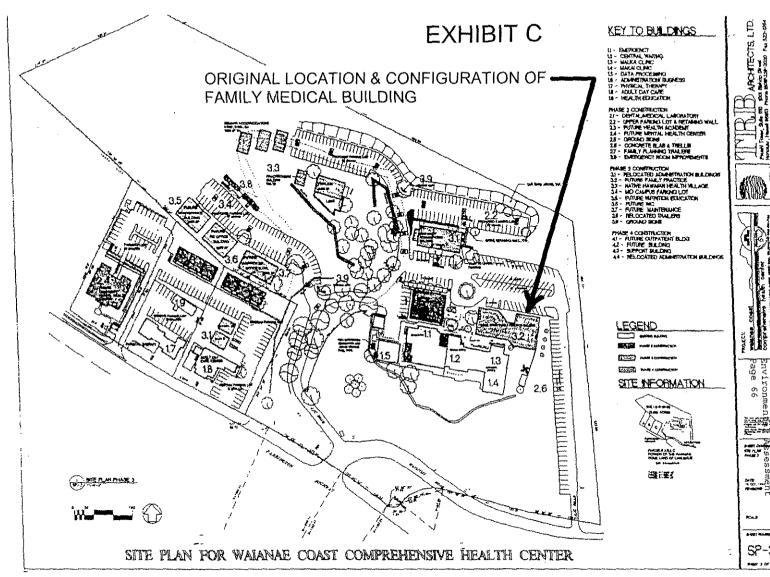
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Attachments

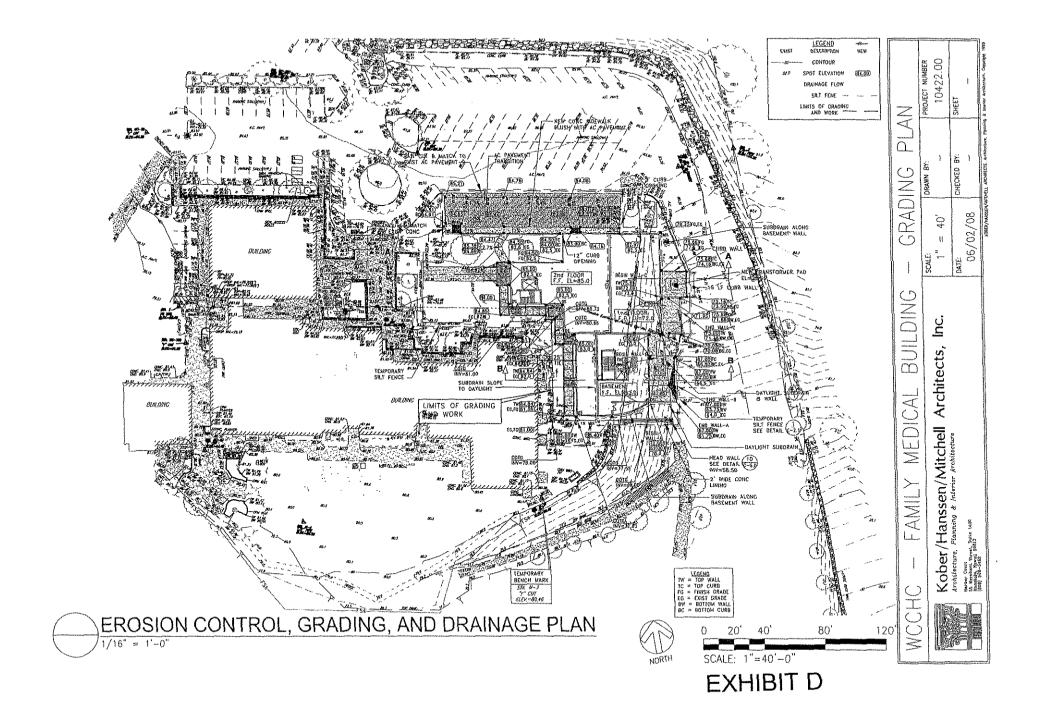
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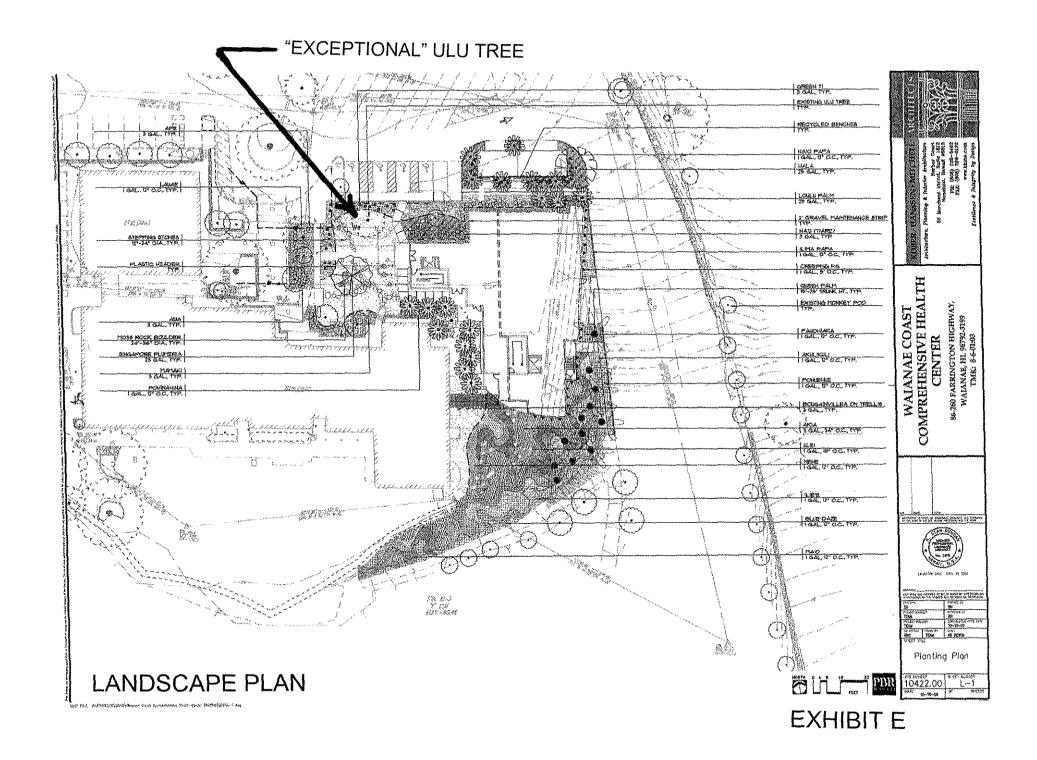






SITE PLAN APPROVED UNDER SMA USE PERMIT NO. 94/SMA-1

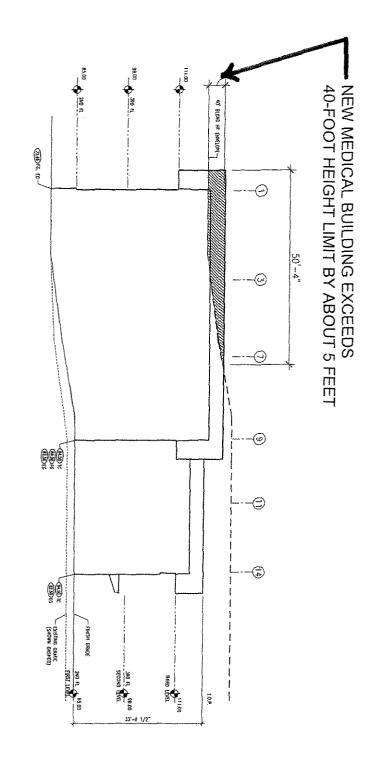




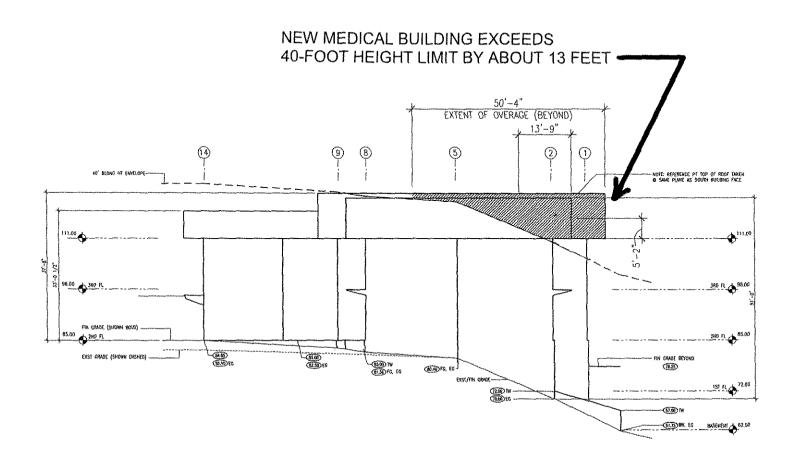
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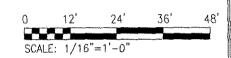
**EXHIBIT F** 



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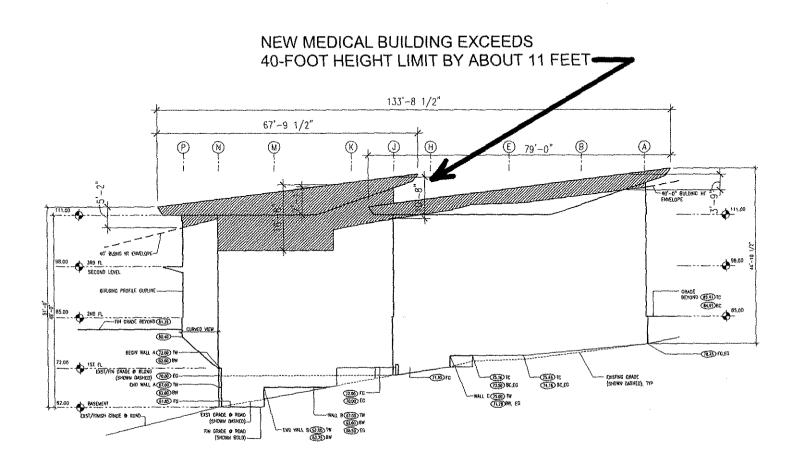
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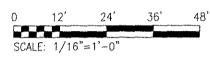
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Kober/Hanssen/Mitchell Architects, Inc.

**EXHIBIT G** 



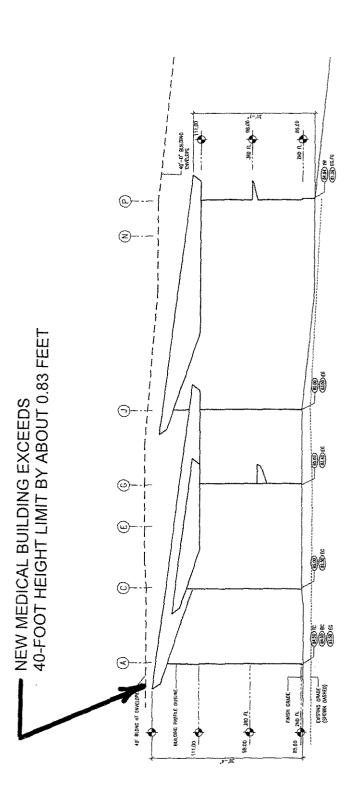




**EXHIBIT H** 

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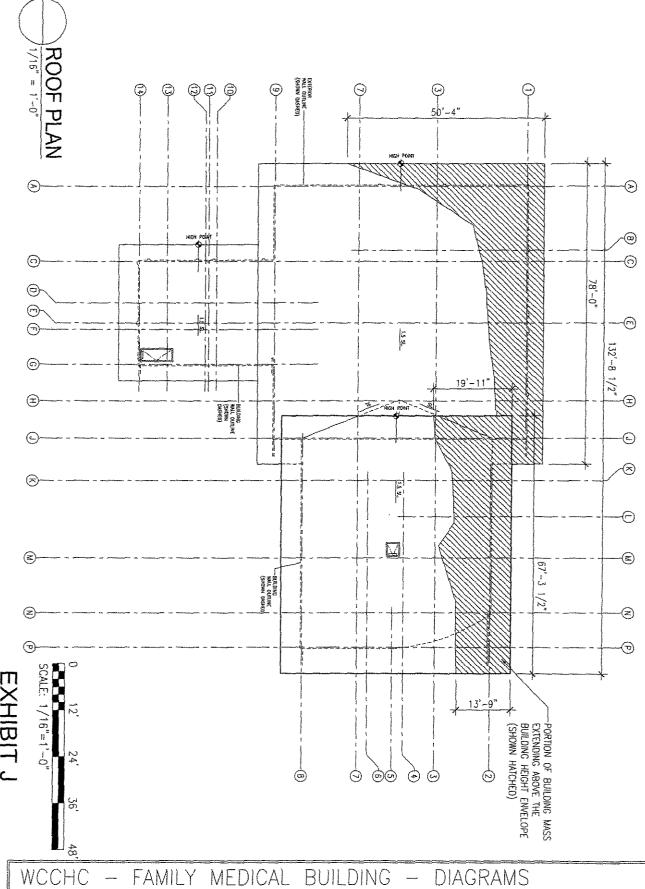


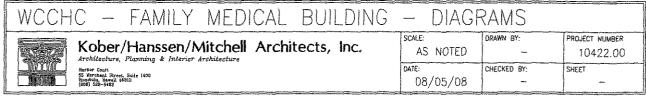
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# AGENCY COMMENTS



### STATE OF HAWAI'I OFFICE OF HAWAIIAN AFFAIRS

711 KAPI'OLANI BOULEVARD, SUITE 500 HONOLULU, HAWAI'I 96813

HRD08/3581

July 17, 2008	<del></del>		
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Henry Eng		22	1 4 4
City and County of Honolulu		- parties	- Little
Department of Planning and Permitting			- 4 4 
650 South King Street, 7th Floor		<u></u>	
Honolulu, Hawai'i 96813	<del></del> -₹	2	

RE: Request for comments on the proposed Wai'anae coast comprehensive health center within the Shoreline Management Area (SMA) and supplemental draft environmental assessment (SDEA), Wai'anae, O'ahu, TMK: 8-6-001:003.

Aloha e Henry Eng,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated June 10, 2008. OHA has reviewed the project and offers the following comments.

Special Management Areas (SMA) are a subset of the coastal zone. SMA's are an area where significant attention is paid to the potential impact that a development may have on coastal qualities. In particular, negative impacts on drainage, view planes, historic and cultural artifacts, coastal erosion, and shoreline access must be avoided, minimized and/or mitigated.

However, the federal Coastal Zone Management Act in concert with the Hawaii Coastal Zone Management Act also contains a number of wide ranging objectives and policies intended to guide the conservation and development of land and water resources within the coastal zone in light of competing demands for limited and sensitive coastal resources. The Hawai'i coastal zone management plan is based in the State Office of Planning, and they administer the program's federal financing and ensure that both state and county agencies comply with coastal zone management law. As such, OHA recommends that they be consulted with and OHA appreciates that the applicant

Henry Eng July 17, 2008 Page 2

consulted with our beneficiaries regarding the view planes and building height. (SDEA, page 2)

Further, OHA is pleased that the applicant has incorporated our beneficiaries concerns into building planning and landscaping. In particular we are struck by the public areas, educational use of native plants for medicine, food and climate control as well as the walking trails, and community garden. OHA applauds the incorporation of traditional Native Hawaiian knowledge into the future of western medicine that this project proposes.

We see the potential for this project to serve an area of this island that is home to a large percentage of our beneficiaries in some critical ways. Thank you for the opportunity to comment and we look forward to reviewing the DEA. If you have further questions, please contact Grant Arnold (808) 594-0263 or e-mail him at granta@oha.org.

'O wau iho no me ka 'oia'i'o,

Clyde W. Nāmu'o Administrator

C: Kurt Mitchell

Kober Hansen Mitchell Architects Harbor Court 55 Merchant Street, Suite 1812 Honolulu, Hawai'i 96813-4313

alpew. Hos

## PUBLIC HEARING TRANSCRIPT

### 1 DEPARTMENT OF PLANNING AND PERMITTING 2 CITY AND COUNTY OF HONOLULU 3 STATE OF HAWAII 5 IN THE MATTER OF THE 6 APPLICATION OF FILE NOS. 2007/VAR-42 and 2008/SMA-30 7 WAIANAE COAST COMPREHENSIVE HEALTH CENTER 8 9 10 11 TRANSCRIPT OF PROCEEDINGS 12 The above-entitled matter came on for hearing at the Waianae 13 14 Public Library, 85-625 Farrington Highway, Waianae on Tuesday, August 5, 2008, commencing at 10:45 a.m., pursuant to Notice. 16 17 18 19 20 BEFORE: ROBERT BANNISTER, Hearings Officer 21 22 JAMES PEIRSON, Staff Planner 23 24 25

#### PROCEEDINGS

HEARINGS OFFICER BANNISTER: I'd like to begin the public hearing at this time. My name is Bob Bannister. I'm the Hearings Officer. This is Jamie Peirson our staff planner.

The public hearing will be conducted in accordance with Chapter 25, Revised Ordinances of Honolulu, which is the Special Management Area ordinance, and also Section 6-1517 of the City Charter, which has to do with zoning variances.

The purpose of today's joint public hearing is to hear testimony on an application for a Special Management Area Permit. This is number 2008/SMA-30 for a major modification to a building that was approved previously by Special Management Permit No. 94/SMA-1, and this is as required by Chapter 25 as well as HRS Chapter 205A.

The zoning variance is to allow the building to exceed the 40-foot height limit. So for the record, I'm going to read the public hearing notice description of the proposal basically.

The Special Management Area permit is No. 2008/SMA-30. The zoning variance is No. 2007/VAR-42. The applicant is the Waianae Coast Comprehensive Health Center. The location is 86-260 Farrington Highway, Waianae. The tax map key is 8-6-1, parcel 3. The proposal is basically to

allow a major modification of a Special Management Area

Permit for a building which exceeds the 40-foot height

limit, and the zoning variance is to retain the building

which exceeds the 40-foot height limit.

We will forego the presentation by staff and we'll go directly into staff questioning or the applicant making a brief presentation first and then staff questioning.

So would you like to proceed? Please state your name for the record.

MR. MITCHELL: My name is Kurt Mitchell. I am the agent for Waianae Coast Comprehensive Health Clinic on both the modification for the SMA application and for the height variance request that is before you today at the public hearing.

MR. PEIRSON: Kurt, for the record, in addition to three DPP staff members, there's five people present. For the record, these people are all the applicant or representatives of the applicant, correct?

MR. MITCHELL: Yes, they are.

MR. PEIRSON: So there's no one from the public who showed up for the public hearing.

Kurt, could you tell me what the specific purpose of the new building is? It's the Harry and Jeanette Weinberg Medical Building?

MR. MITCHELL: Yes, family medical building, yes.

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MR. PEIRSON: Family medical building. And the specific purpose of the building?

MR. MITCHELL: The specific purpose of the building is to expand the clinical services for Waianae Coast Comprehensive Health Center. It will include both pediatrics and women's health clinics in the building and other related uses.

MR. PEIRSON: In the original SMA permit that was granted for master plan improvements to the medical center campus that was done back in '95 I believe it was --

MR. MITCHELL: Yes.

MR. PEIRSON: -- shows this building with a configuration behind a building that was already an existing building. The configuration of the building as it's proposed today is also behind that existing building but in large part the long access of the proposed building is now actually on the side of that existing building. So the modification to the SMA approval includes not just the height but -- it's more of a minor modification -- it's also a change in the configuration of the building. Can you explain why it was necessary to change the configuration of the building?

MR. MITCHELL: Two reasons. One is building/zoning requirements. Building requirements required that we stay at least 20 feet away from an existing

building. The original location that was proposed -- if we were to continue to do that, the building will be out in the parking lot. So we moved some of the functions around to the side of the building which was still in the general area that was allowed by the SMA back in 1994.

The other reason is just the functioning requirements of the medical clinic in terms of how the floor plan laid out. We also had a requirement or a request by the client that -- there is an ulu tree that is located in the location that is considered to be exceptional and we have to build around it. It was planted by one of the spiritual counselors there many years ago and so the board requested that we help by modifying the building layout so that the tree can continue to stay there and that's why the modification.

THE CHAIR: Mr. Mitchell, can you go back and point out on the site plan the building separation that you were referring to? What was there so to speak compared to the present building proposed?

MR. MITCHELL: Okay. In the site plan that we have, there was an existing building located here.

MR. PEIRSON: We show it in Exhibit C, Kurt. I know it's smaller but --

MR. MITCHELL: Okay. Yeah, it's smaller. Yeah, your Exhibit C. At one point in time, if I remember

correctly, the SMA required that -- well, not required, but they proposed that the building be built in this location. When you move 20 feet from this existing building location out to here and if we put the 20,000 square feet -- that building will be sitting out in the parking lot here. And that exceptional tree is located right in the middle of where the building was proposed to go. So what we did was we modified it by moving it -- still trying to stay in the same area but around the corner.

HEARINGS OFFICER: All right. Thank you.

MR. PEIRSON: You said the second reason was functioning requirements on the part of the applicant. What exactly --

MR. MITCHELL: In terms of how the building lays out for the use as a medical clinic. It functions where -- what we try to do is they have the exam rooms and the doctors' offices in a location that is more applicable to the patient. The building is designed to be patient first.

MR. PEIRSON: The construction of the building has begun already, correct?

MR. MITCHELL: Yes, it has.

MR. PEIRSON: Has construction proceeded to the point where it's already exceeded the 40-foot height?

MR. MITCHELL: Yes, it has.

MR. PEIRSON: So for the record then, the actual

request is to retain --

MR. MITCHELL: Now it is, yes, sir.

MR. PEIRSON: -- a building as opposed to just allow a building. Okay, thank you.

It's an interesting roof design. What's the significance of it?

MR. MITCHELL: One of the things of what we wanted to do is to sort of mitigate the size of the building itself. And let me step back a bit. With the building height that was allowed, 40 feet, and if it was to be a three-level building above grade -- and a typical building floor-to-floor height is usually around 13 feet, 12 to 13 feet. We would be at 39 feet with the three levels that are allowed by the SMA which would then -- by the time we put a roof on, the entire roof would be above the height limit that is allowed and to us it would have been much more -- how should I put it -- it's a building that would be shown -- the size of the building and the mass of the building would be more than what we would have wanted it to be.

So what we decided to do is actually sink one of the levels so we would now have a two-level basement and only have two levels above which would allow us to slope the roof. We sloped the roof in the angle of the actual mountain. It slopes up the mountain and that sort of mitigates the massing of the building and sort of pulls it

in to be a part of the overall sloping site so that it fits better into the site rather than just being a flat roof building sitting on top of a sloping site. We tried to work the building to be within the building terrain that we had.

HEARINGS OFFICER: Would you say that the roof design is about as flat as you could get it from a practical standpoint?

MR. MITCHELL: From a practical standpoint, yes. We tried as much as possible to keep it so that it would stay within the 40 feet.

I have a diagram of the west elevation here. If you look at it with the sloping roof -- and this is the side that faces the existing building -- it stays within the 40-foot height limit. And the only reason why we have that issue on the other side is because the ground severely slopes away.

HEARINGS OFFICER: In that regard, can you just briefly address the second condition of hardship for variances, the unique circumstances having to do with the site? Could you just elaborate a little bit more on that, please?

MR. MITCHELL: Sure. And going to the site plan, when we had to move the building, in terms of land area and still staying within the functional aspect of what is allowed, we have an existing drive that comes up. It's the

main entrance into the health clinic campus. And we had to situate the building between what would be allowed in terms of the limits for the existing buildings and without severely impacting the main entry into the building site.

So given what we were allowed to put the building in, automatically right at the beginning we found that the existing slope, the cutaway slope that was used to put in this driveway really is the cause of why we had to go for a height variance. So it's really a unique circumstance to the actual site itself as opposed to us wanting the building to go above the 40-foot height limit.

We tried as much as possible to keep the building within the 40-foot height limit without impacting the design as much as possible, but the sloping of the land is very -- it's slight at one section of the building design and it's very severe at the other section, at the lower section of the building design of the land. So it really is the land sloping away from the property, from the area we're building that's causing us to go to the height limit.

HEARINGS OFFICER: Which photograph best illustrates that?

MR. MITCHELL: The one that best illustrates that is this one right here. This is the east elevation and this is looking up Lualualei Valley. This is the south elevation looking down toward the beach. So you're looking at right

at the corner. This is the most severe. This sort of represents the one-foot grades and come down. So you see the building as it goes up the drive here, it's less of an impact. And as it moves back toward the actual campus, it becomes less of an impact. But it's this existing condition that was here already that we had to compensate for.

HEARINGS OFFICER: So your intent was to maintain the floor level at the -- basically the level of the main site?

MR. MITCHELL: At the main site, yes. So at the main site level the elevation is around 85, 86. And as you can see, the majority of the building sits on that sort of flat level here. It does slope slightly this way about one foot difference but the idea is -- and because it is a health facility, we try to keep each level the same without having to dip the levels down.

MR. PEIRSON: I don't have any other questions,

HEARINGS OFFICER: Okay. I have no further questions and if there's anyone else wishing to testify, you're free to do so if you want. Any additional comments?

I will note also for the record that we started the meeting 15 minutes later than usual. Our schedule was 10:30. We started 15 minutes later and no one from the public showed up so we proceeded with the presentation and

questioning by staff. And with no other comments, I will close the public hearing on these two permit requests. Thank you very much. (Whereupon, at 11:00 a.m., the hearing was adjourned.) -000-Respectfully submitted by: 

## DRAFT RESOLUTION



No.	

## RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO MODIFY SPECIAL MANAGEMENT AREA USE PERMIT NO. 94/SMA-1 (RESOLUTION NO. 95-345, CD1) FOR THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, HARRY AND JEANETTE WEINBERG FAMILY MEDICAL BUILDING

WHEREAS, the Department of Planning and Permitting (DPP) on June 12, 2008 accepted the application (File No. 2008/SMA-30) of the Waianae Coast Comprehensive Health Center herein referred to as the Applicant, for a Special Management Area Use Permit (SMP) for construction of the Harry and Jeanette Weinberg Family Medical Building herein referred to as the Project, at 86-260 Farrington Highway, Waianae, Oahu, and identified as Tax Map Key 8-6-001: 003 herein referred to as the Site; and

WHEREAS, on June 26, 1996, the City Council approved Special Management Area Use Permit No. 94/SMA-1 (Resolution No. 95-345, CD1) to allow master plan developments associated with the expansion of the Waianae Coast Comprehensive Health Center on the Site and which includes a new family medical building; and

WHEREAS, on July 23, 2003, the DPP approved (File No. 2003/ELOG-2201) an extension of the master plan time frame until June 26, 2010 for the authorized developments on the Site; and

WHEREAS, on August 5, 2008 the DPP held a public hearing which was attended by DPP staff and five (5) representatives of the Applicant, but where no one from the public was in attendance and no public testimony was received; and

WHEREAS, on <u>August 19, 2008</u>, within 10 working days after the DPP accepted the Applicant's Final Supplemental Environmental Assessment and issued a Finding of No Significant Impact (FONSI) for the Project, the DPP having duly considered all evidence and the review guidelines as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu (ROH), completed its report and transmitted its findings and recommendation of approval to the City Council; and

WHEREAS, the (	City Council, having received the findings and recommendation
of the DPP on	, and at its meeting of,
having duly considered	all of the findings and reports on the matter, approved the
subject application for a	n SMP with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Special Management Area Use Permit No. 94/SMA-1 (Resolution No. 95-345, CD1) shall be and is hereby modified by issuing an SMP to allow the Project under the following conditions:

DPP08SMA30.R08



No.	

## RESOLUTION

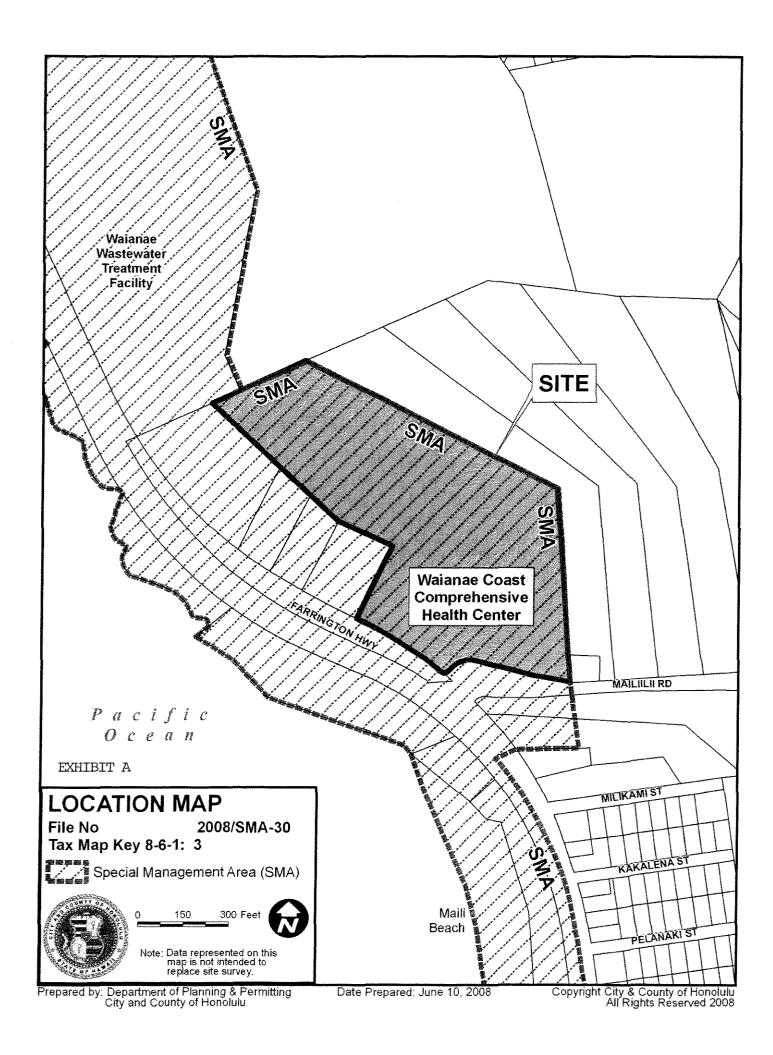
- 1. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls) are encountered, the applicant shall stop work and contact the State Historic Preservation Division (SHPD) immediately. Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- 2. Approval of this Special Management Area Use Permit (SMP) does not constitute compliance with other Land Use Ordinance (LUO) or governmental requirements, including building permit and zoning (height) variance approval. These are subject to separate review and approval. The Applicant shall be responsible for insuring that the final plans for the Project approved under this SMP comply with all applicable LUO and other governmental provisions and requirements.
- 3. Construction shall be in general conformity with the approved plans and drawings, attached hereto as Exhibits A through I, and which are on file with the Department of Planning and Permitting, and in accordance with the LUO. Any changes in the size or nature of the project which may have a significant effect on coastal resources addressed in Chapter 25, ROH, and Chapter 205-A, Hawaii Revised Statutes, shall require a new application. Any changes which do not have a significant effect on coastal resources shall be considered a minor modification and therefore permitted under this Resolution, upon review and approval of the Director of Planning and Permitting.

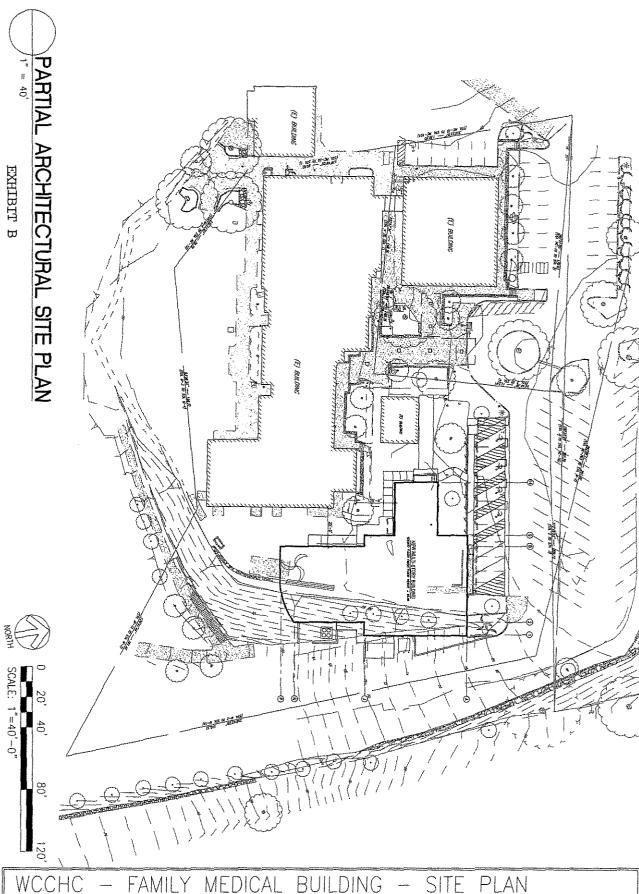


## RESOLUTION

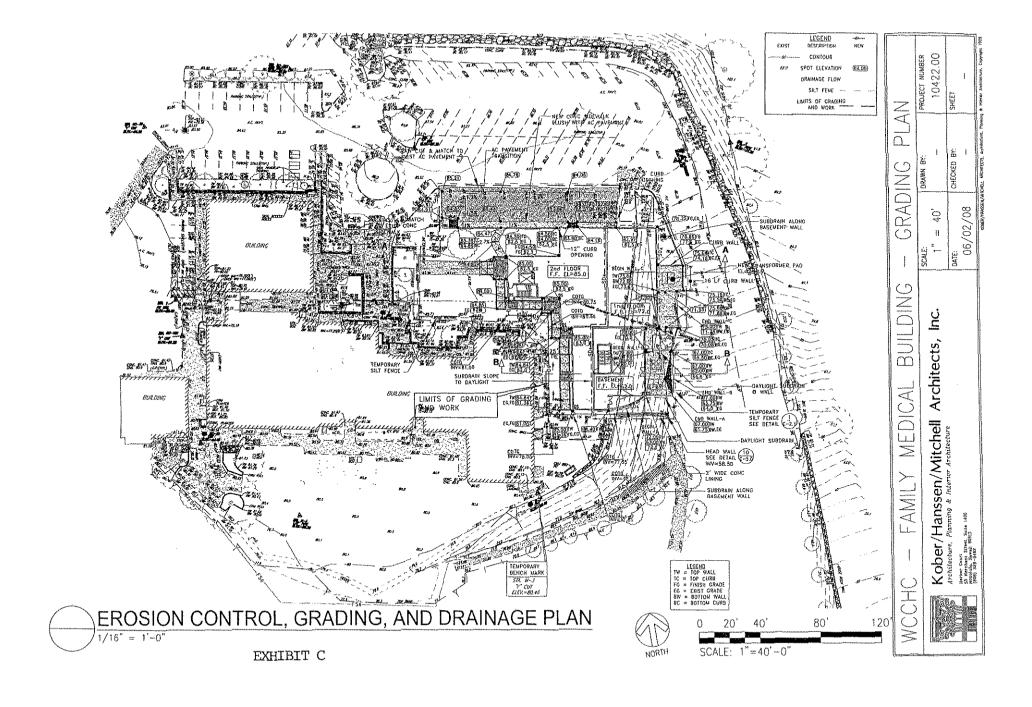
BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the City Clerk be and is directed to transmit copies of this Resolution to Henry Eng, FAICP, Director of Planning and Permitting; Kurt H. Mitchell, Kober Hanssen Mitchell Architects, Harbor Court, 55 Merchant Street, Suite 1812, Honolulu, Hawaii 96813; and, Marianne Glushenko, Waianae Coast Comprehensive Health Center, 86-260 Farrington Highway, Waianae, Hawaii 96792.

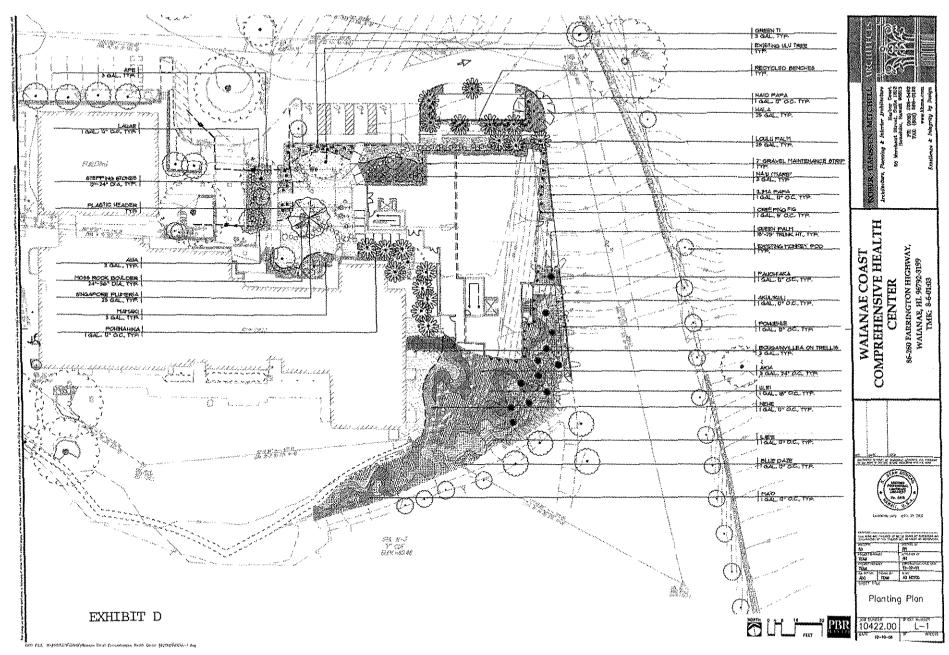
	INTRODUCED BY:
DATE OF INTRODUCTION:	
Honolulu, Hawaii	Councilmembers



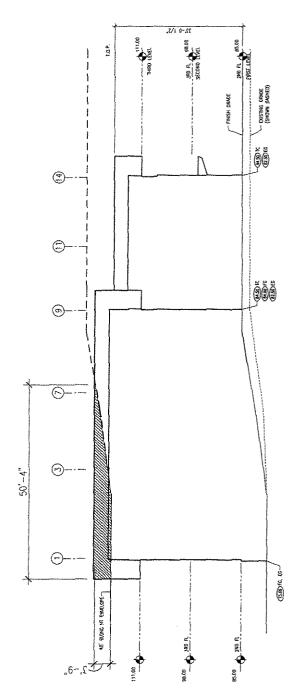


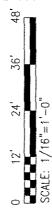






Landscape Plan





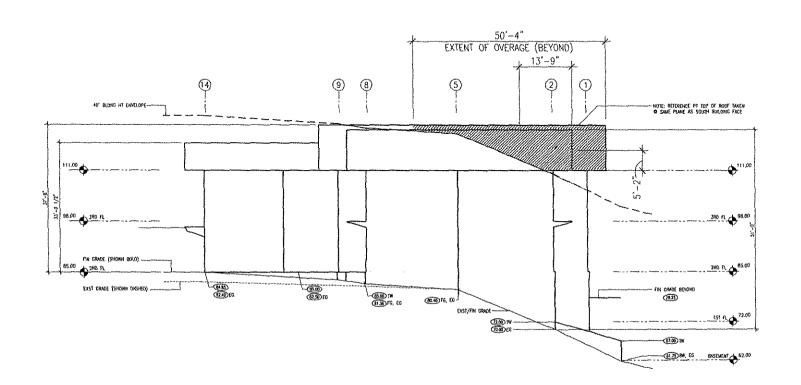
NORTH ELEVATION

EXHIBIT E

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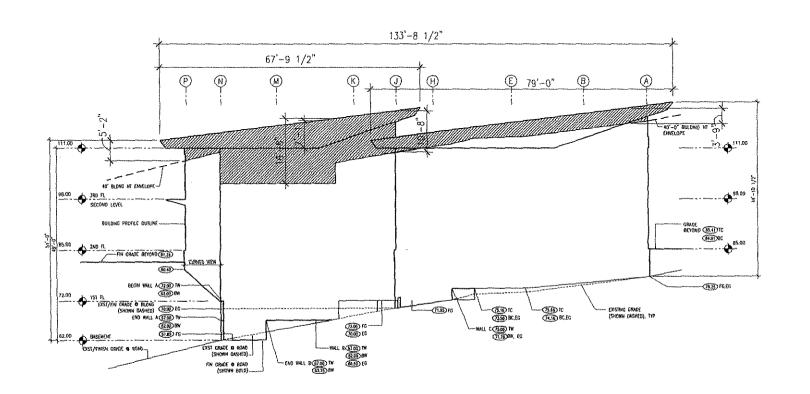
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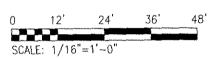




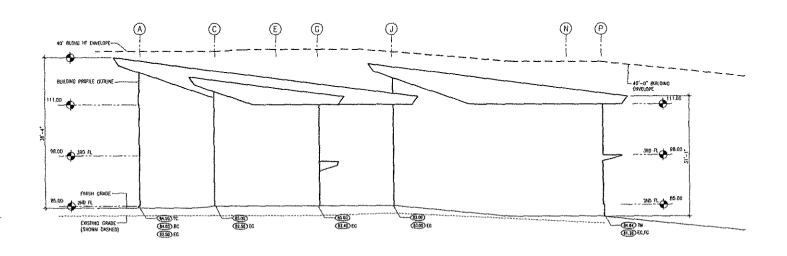
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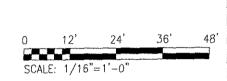






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